

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JORDAN DAVID KNIPPLING,

Petitioner,

V.

SCOTT FRAKES.

Respondent.

Case No. C10-5599BHS/JRC

**ORDER DENYING PETITIONER'S
MOTION TO STRIKE RESPONDENT'S
MOTION TO DISMISS**

The underlying petition for a writ of habeas corpus has been referred to United States Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b)(1)(A) and (B), and Local Magistrate Judge's Rule MJR3 and MJR4. Petitioner is seeking federal habeas relief, pursuant to 28 U.S.C. § 2254, from a state conviction.

Respondent filed a motion to dismiss the petition in lieu of an answer and has shown good cause for doing so (ECF No. 14). Petitioner asks the court to strike the motion because good cause was not shown prior to filing the motion (ECF No. 18).

If Respondent's position is correct, a motion to dismiss in lieu of an answer is the proper manner to address this petition and the motion to strike is DENIED.

DATED this 13th day of January 2011.

J. Ward Creative

J. Richard Creature
United States Magistrate Judge

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